IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5866 OF 2004
IN
CRIMINAL APPEAL NO.1567 OF 2004

Omprakash @ Prakash
Kunnuram Chaudhari ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.Dr.Y. Choudhary, Advocate for the Applicant.
Smt.A.S.Pai, APP, for the State.

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CORAM : D.G.DESHPANDE AND
SMT.V.K.TAHILRAMANI, JJ.
DATED : APRIL 20, 2006.

P.C.:

. Heard Mr.Choudhary, learned Advocate for the applicant and Smt.Pai learned APP for the State.

2. The applicant has been convicted under Sections 392, 397 & 302 read with 34 of IPC. The applicant is now seeking bail.

3. It is the prosecution case that the deceased Dr.Jehangir Vajifdar was about 80 years of age. He was residing all alone in his flat at Avabai Mansion. The present applicant was working

as a watchman in the said building. Two witnesses i.e. P.W.4 Mr.Homi Kaka and P.W.8 Mr.Ramlakhan Tiwari have stated that at the relevant time, the applicant was posted in the said building as a watchman.

4. P.W.8 Mr.Ramlakhan Tiwari was carrying on business of supplying security-guards. He has stated that the present applicant i.e. accused No.1 was posted as a watchman at the said building by him. P.W.1 Mrs.Farida Dubash, who was residing in Avabai Mansion, has also stated that the applicant was working in the said building as a watchman. This witness has further stated that immediately after the incident, which occurred on 26.10.1998, the present applicant disappeared.

5. It is an admitted fact that the applicant came to be arrested from Rajasthan on 5.11.1998. Watch, camera, tape-recorder and credit-cards of the deceased came to be recovered at the instance of the present applicant. So also, blood-stained clothes came to be seized at the instance of the applicant. The said clothes had blood-stains of

"B" group, i.e., the blood-group of the deceased. No explanation has been tendered by the applicant as to how the blood stains of "B" group have been found on his clothes.

6. In the present case, the deceased was found to be brutally murdered with 29 injuries on his person. Mr.Choudhary, learned Advocate for the applicant has submitted that the applicant was a juvenile at the time of the incident. He has submitted that, he does not wish to press this ground at this stage and the same would be argued by him at the time of final hearing of the Appeal.

7. Thus, we find that there is sufficient material to connect the applicant with the crime. Hence the application for bail is rejected.

(D.G.DESHPANDE, J.)

(SMT.V.K.TAHILRAMANI,J.)